

### **Amendments to the Drawings:**

The attached sheets of drawings include changes to figures 1a, 1b, 2a, 2b, 3a, 3b and 3c. These sheets, which include figures 1a, 1b, 2a, 2b, 3a, 3b and 3c, replace the original sheets including figures 1a, 1b, 2a, 2b, 3a, 3b and 3c. In figure 1a, previously omitted reference numerals 33 and 100 have been added. This amendment is supported by the specification, for example at paragraphs [0030] and [0032]. Further in figure 1a, reference numeral 11 has been deleted. In figure 1b, previously omitted reference numeral 120 has been added. This amendment is supported by the specification as filed, for example at paragraph [0035]. In figure 2a, previously omitted reference numerals 233, 237, 250 and 251 have been added. These amendments are supported by the specification as filed, for example at paragraph [0039]. In figure 2a, reference structure 250 has been added. This amendment is supported by the specification as filed, for example at paragraphs [0038]-[0039] and [0046]. Lastly in figure 2a, an arrow corresponding to second traverse section 226 has been added. In figure 2b, reference numeral 234 corresponding to the second traverse section has been replaced by 236. This amendment is supported by the specification as filed, for example at paragraph [0041]. In figure 2b, reference numeral 230 has been replaced by 230'. This amendment is supported by the specification as filed, for example at paragraph [0041]. In figures 3a, 3b and 3c, previously omitted reference numerals 260, 261 and 262 have been added respectively. These amendments are supported by the specification as filed, for example at paragraph [0047].

No new matter is being added by any of the present amendments.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

## REMARKS

Reconsideration of this application, as amended, is respectfully requested. Paragraphs [002]-[005], [007], [009]-[0010], [0012]-[0014], [0017]-[0020], [0023]-[0031], [0033], [0035], [0037]-[0041], [0043], [0045], [0047]-[0048], [0050], [0052]-[0055], [0057], [0059], [0062]-[0065], [0067], [0069]-[0071], [0074]-[0075], [0079]-[0083], [0085], [0088], [0090] and [0093]-[0095] have been amended to correct minor typographical errors and for clarity.

Accordingly, it is respectfully requested that the objection to the specification be removed.

Figures 1a, 1b, 2a, 2b, 3a, 3b and 3c have been amended to correct minor typographical errors and for clarity. Accordingly, it is respectfully requested that the objection to the drawings be removed.

Claims 1-3, 5-15, 18-32, 35-39, 42 and 44-45 have been amended to correct minor typographical errors and for clarity. These amendments are supported by the specification as filed, for example at paragraphs [0054]-[0064] and [0068]-[0082]. Accordingly, it is respectfully requested that the objections to claims 31 and 32 and the rejection to claim 13 under 35 U.S.C. §112 be removed.

No new matter is being added by any of the present amendments.

**Claims 1-5 are patentable over Kochi et al. (US PG PUB 2002/0179812).**

Kochi discusses creating stereoscopic images by taking scans in different directions at different tilt angles and aligning the resulting images by using rectifying parameters obtained from reference marks. (Kochi, paragraph [0075]) While Kochi may teach reference marks, Kochi fails to teach determining "a first relationship between a certain point of the reference structural element and the first traverse section" and "a second relationship between the certain point of the reference structural element and a second traverse section", as recited in claim 1. Simply put, obtaining rectifying parameters from the reference marks and using such parameters to align images does not involve determining a relationship between a reference structural element and a traverse section. Therefore, claim 1, and its dependent claims, are patentable over Kochi.

**Claims 9-28, 35-40, 42 and 44-45 are patentable over Takane et al. (US PG PUB 2003/0010914).**

Takane discusses determining depressions/protrusions formed on a sample by taking scans in different directions at different tilt angles and analyzing the resulting scans. However,

similar to Kochi, Takane fails to teach determining "a first relationship between a certain point of the reference structural element and the first traverse section" and "a second relationship between the certain point of the reference structural element and a second traverse section", as recited in claim 1. Contrary to the Office Action, Takane simply does not contemplate taking measurements with respect to one (or more) reference structural elements. The Office Action alleges that reference structural elements appear on either side of the measured structural element depicted on figure 2 of Takane. Office Action, page 7. On the contrary, there are simply no reference structural elements depicted on either side of the measured structural element. Therefore, claim 1 is patentable over Takane. Because claim 1 is patentable, claims 9-14 are patentable over Takane by virtue of their dependency on claim 1. Because claims 15, 37 and 42 also recite taking measurements with respect to one (or more) reference structural elements, and Takane fails to teach these features, these claims as well as their dependent claims are likewise patentable over Takane.

**Claims 6-8 are patentable over Kochi in view of Takane.**

Takane is cited for teaching various features of dependent claims 6-8. Whether or not this is true, Takane fails to cure the deficiencies of Kochi with respect to independent claim 1. Therefore, because claims 6-8 depend from claim 1, the present claims are patentable over Kochi in view of Takane.

**Claims 27 and 29-32 are patentable over Takane in view of Muckenhirn (US PG PUB 2003/0168594).**

Muckenhirn is cited for teaching features of dependent claims 27 and 29-32. Whether or not this is true, Muckenhirn fails to cure the deficiencies of Takane with respect to independent claim 15. Therefore, because claims 27 and 29-32 depend from claim 15, the present claims are patentable over Takane in view of Muckenhirn.

**Claim 41 is patentable over Takane in view of Kochi.**

Kochi is cited for teaching features of dependent claim 41. Whether or not this is true, Kochi fails to cure the deficiencies of Takane with respect to independent claim 37. Therefore, because claim 41 depends from claim 37, claim 41 is patentable over Takane in view of Kochi.

For at least the foregoing reasons, the present claims are patentable over the cited references. If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

Dated: December 24, 2008

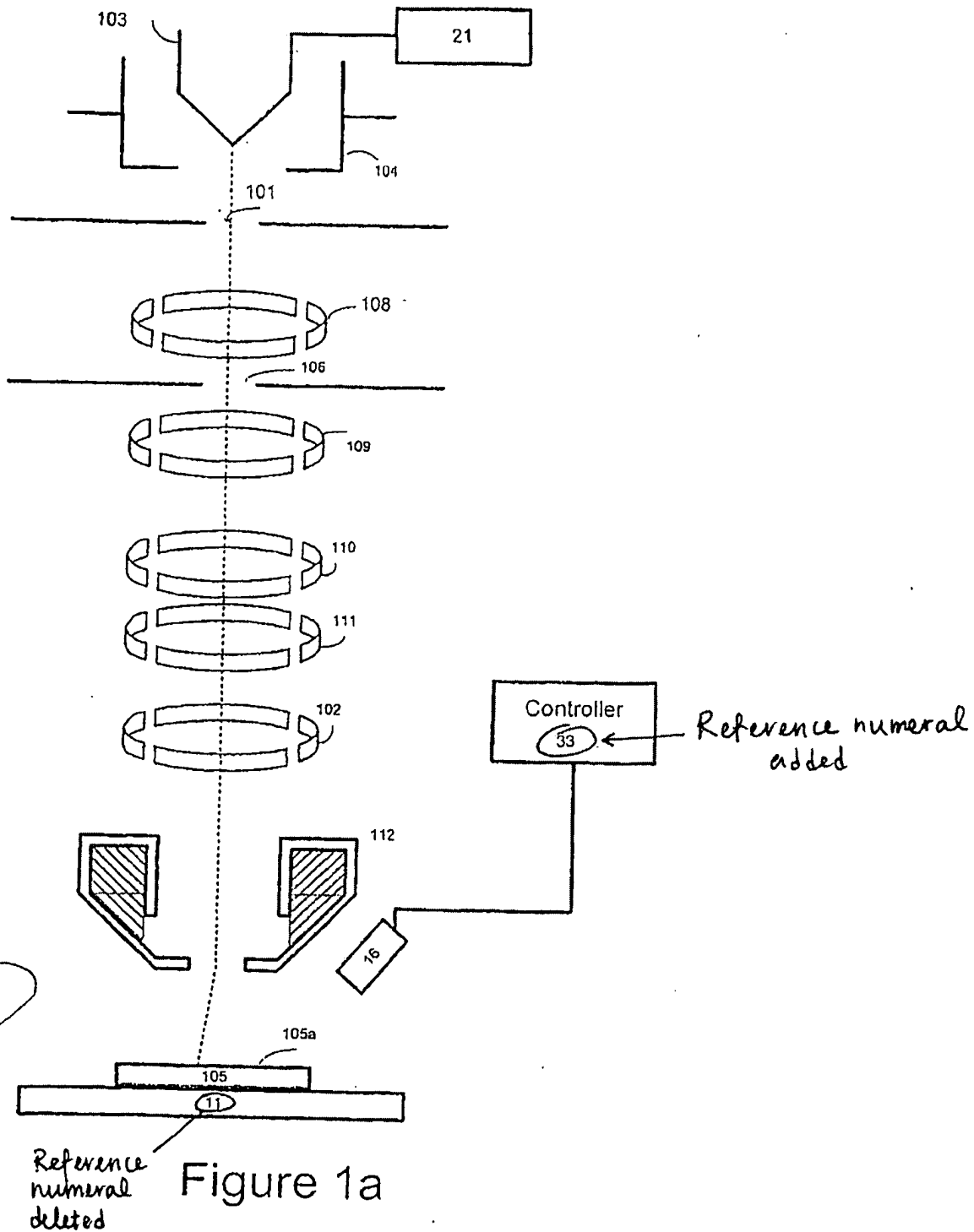
/Tarek N. Fahmi/

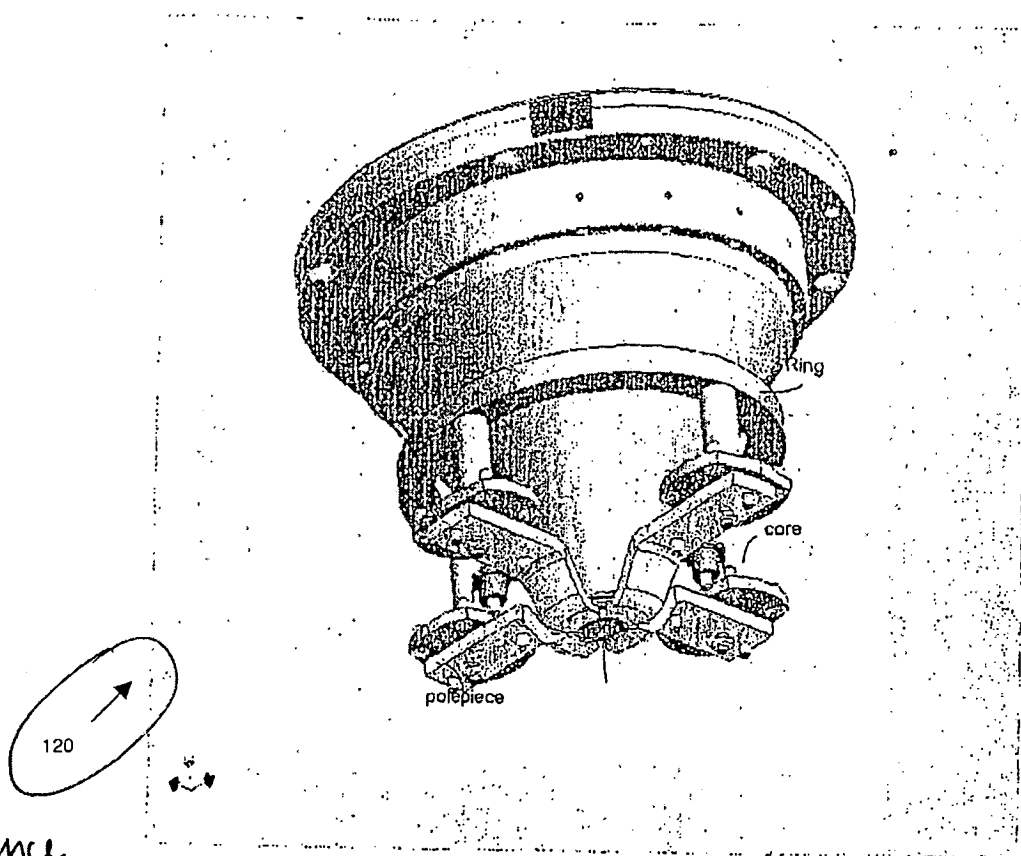
Tarek N. Fahmi

Reg. No. 41,402

Sonnenschein Nath & Rosenthal LLP  
P.O. 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(650) 798-0320

Annotated sheet



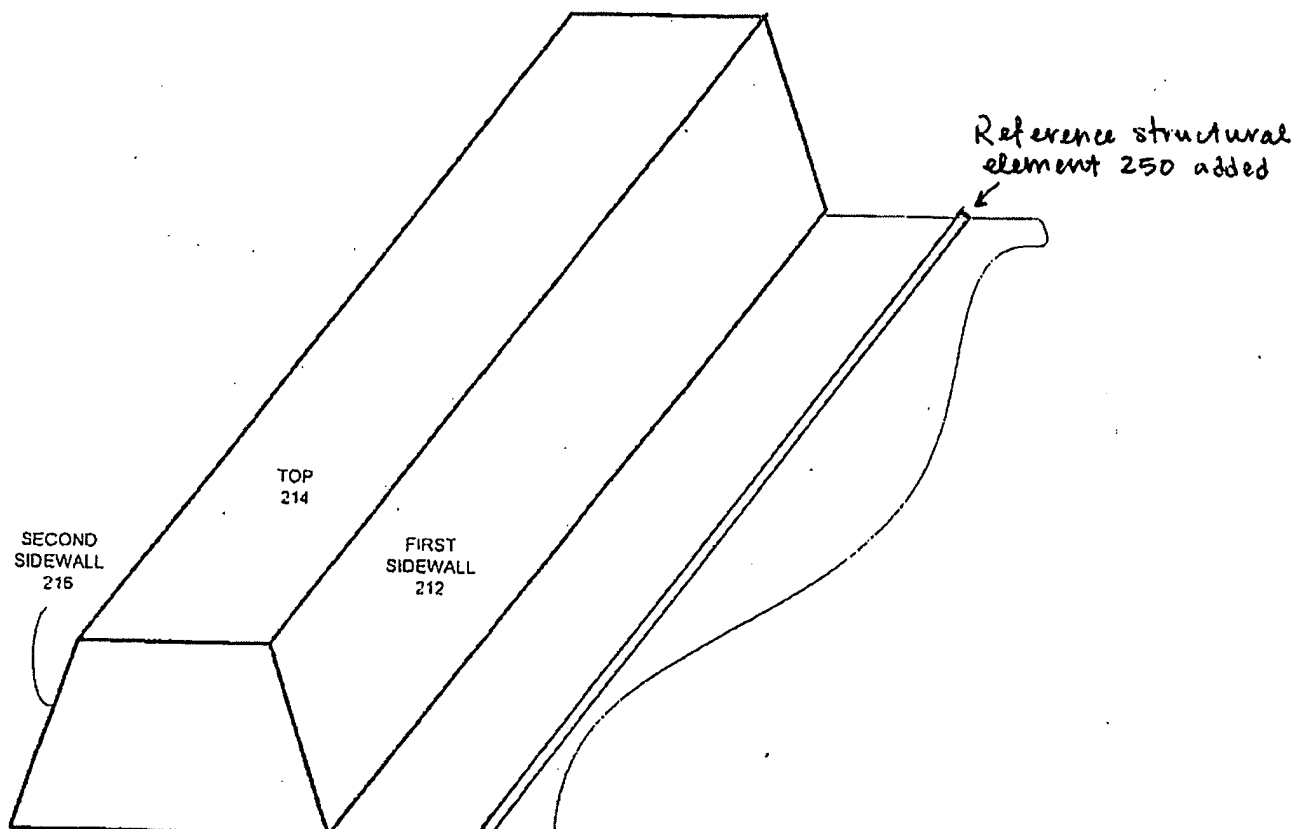


Reference  
numeral  
added

FIGURE 1b

## Annotated Sheet

3/11



4/11

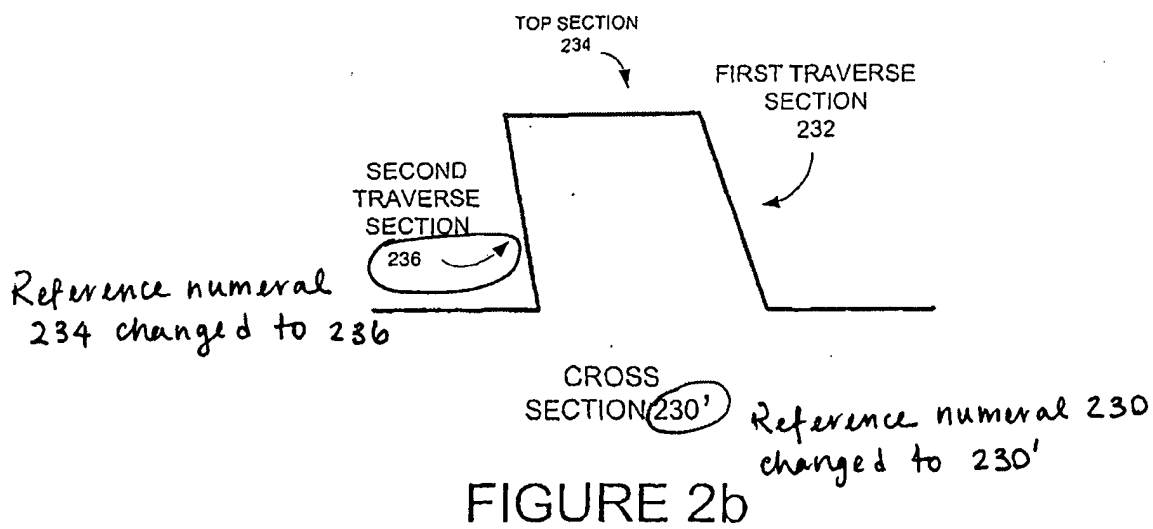
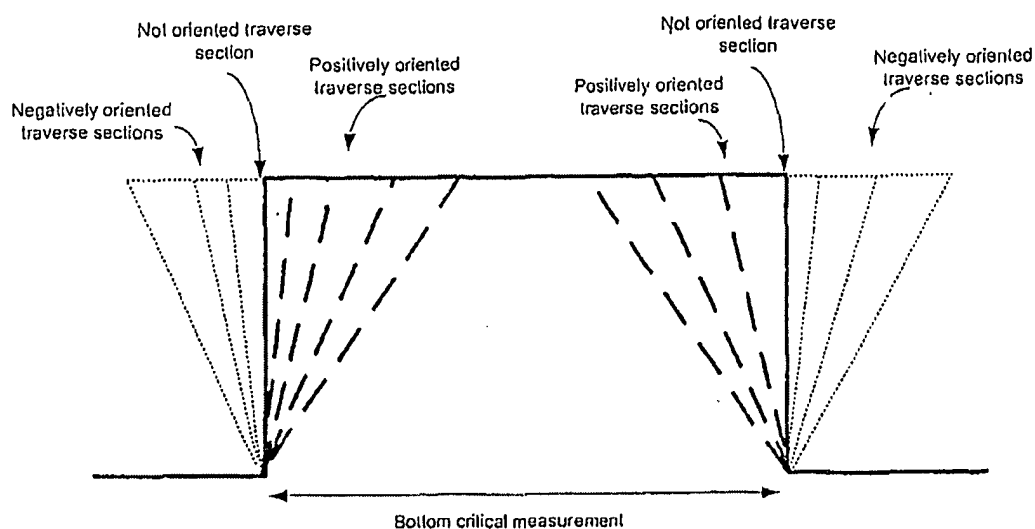


FIGURE 2b



Annotated sheet

5/11

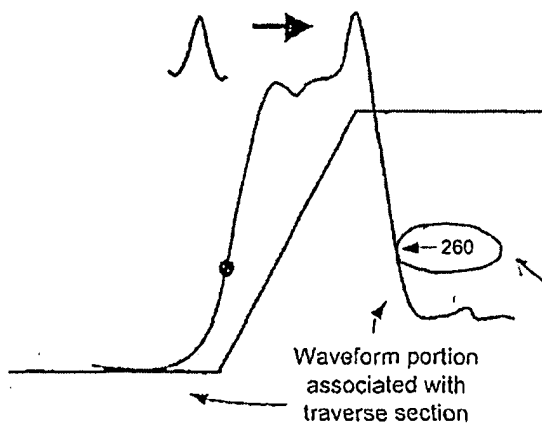


FIGURE 3a

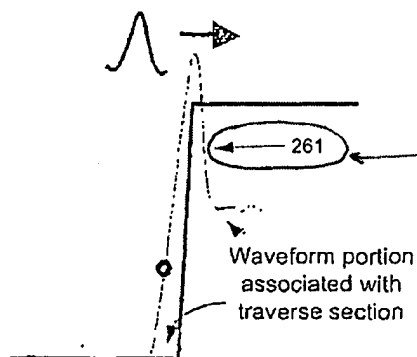


FIGURE 3b

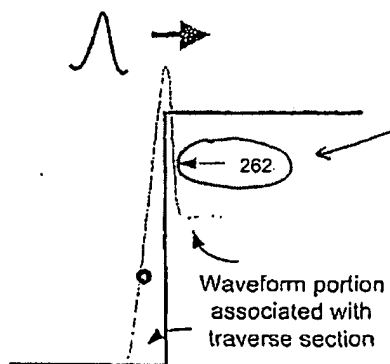


FIGURE 3c

Reference numerals  
added